IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1001 OF 2006
IN
APPEAL (LODG) NO. 192 OF 2006
IN
ARBITRATION PETITION NO. 302 OF 2003

Mahanagar Telephone Nigam Limited] .. Appellants (Ori.Resp.No.1.)

Versus

M/s. Shree Sai Enterprises] .. Respondents (Ori.Petitioner)

Ms. J.N. Pandi i/b M/s. S.I. Shah & Co. for the applicants - appellants

CORAM: R.M. LODHA &
S.R. SATHE, JJ.

DATED: 01ST SEPTEMBER, 2006

P.C. :

. Heard Ms. J.N. Pandi, the counsel for the applicants-appellants. Nobody appears for respondents despite service.

2. The appellants have suffered the judgment and order dated 19th December, 2005 in Arbitration Petition. Aggrieved by the said judgment, the appellant preferred Appeal. However, since Appeal suffers from delay of 34 days. The present Notice of Motion has been taken out for condonation of delay. In paragraph 2 of the

Affidavit in support of the Notice of Motion, the following statement is made:

> "2. I say that the Appellants have filed the above Appeal for quashing and setting aside the said Judgment and Order dated 19th Dec. 2005. I say that the Authenticated copy of the said order was received by the Appellants on 13th Jan. 2006. I say that thereafter the Appellant have taken some time to consider the said order and after obtaining legal advice for further steps to be taken in the matter. I say that accordingly a decision was taken by the Appellants to file the Appeal in the above matter and communicated to the Advocates for the Appellants vide a letter dated 25.2.2006. I say that the Appellants have applied for Certified copy said judgment and Order dated 19th Dec.2005 vide Advocate's Application dated 18.2.2006. I say that Certified copy of the said order is received by the Appellant on 22.2.2006. I say that there is delay of 34 days in filing the above Appeal. I say that the said delay is due to administrative reasons. I say that the said delay be condoned by this Hon'ble Court."

3. The aforesaid facts remain uncontroverted and undenied for want of any reply Affidavit.

4. We are satisfied that the aforesaid facts constitute sufficient cause in filing the Appeal belatedly.

5. We, accordingly, condone the delay in filing the Appeal.

6. Office is directed to process the Appeal and post it for admission.

. Notice of Motion stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.R. SATHE, J.]